

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 ROBERT BINKELE,

4 Plaintiff,

5 v.

6 ADAM J. AUSLOOS,

7 Defendant

Case No.: 2:19-cv-01079-APG-VCF

ORDER

[ECF No. 5]

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9 Defendant Adam Ausloos initiated a Financial Industry Regulatory Authority (FINRA)
10 arbitration seeking damages against plaintiff Robert Binkele.¹ As of June 19, 2019, Ausloos is
11 seeking entry of a default judgment against Binkele in that FINRA arbitration. Binkele moves
12 for a Temporary Restraining Order enjoining the FINRA arbitration and default judgment
13 because the contract underlying Ausloos's claims require that the claims be arbitrated before
14 JAMS, and a default judgment entered in the FINRA arbitration would constitute irreparable
15 harm. ECF No. 5.

16 Binkele states that he has sent his motion to Ausloos's Wisconsin counsel, and that the
17 parties are set to discuss the motion on June 25, 2019. *Id.* at 5. Nonetheless, Ausloos has not yet
18 responded to Binkele's motion, and it is inappropriate for me to issue an order *ex parte*.

19 IT IS THEREFORE ORDERED that counsel for Binkele shall immediately send this
20 order to Ausloos's counsel by email, prior to the planned June 25 meeting if possible.

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23 ¹ Ausloos also sought damages against Binkele's employer, Centaurus Financial, Inc. On May 8,
2019, the United States District Court for the Eastern District of Wisconsin granted Centaurus'
motion enjoining that FINRA arbitration as to Centaurus. *See* ECF No. 1-1.

1 IT IS FURTHER ORDERED that respective counsel for Binkele and Ausloos shall
2 provide a status report to this court by 2:00 p.m. Pacific Daylight Time on Tuesday June 25,
3 2019 that discusses the result of their meeting, whether (and if so, when) Ausloos intends to
4 pursue a default judgment in the FINRA arbitration against Binkele, whether an expedited
5 hearing on the TRO motion is needed, and (if so) their availability for a non-evidentiary hearing
6 on the TRO motion of June 25, June 26, and July 1-10.²

7 DATED this 24th day of June, 2019.

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10 ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE

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23 ² Counsel should be aware that I am in the midst of a 3-4 week criminal trial that is likely to
conclude early in the week of July 8. If necessary, I will carve out time from that trial for a TRO
hearing.